

REMARKS

Claims 1, 3, 5-8, 11 and 19-20 have been amended. Claims 2, 9, 10, 12, 13, 14, 15, 17 and 18 have been cancelled. No new matter has been added.

**Claims 1-3, 5, 7, and 17 have been rejected under 35 USC 102(b) as allegedly anticipated by Middleton. Applicant respectfully traverses this rejection.**

The present invention is directed to a circular time-out mat that is made of a flat rubber material and has a fabric upper surface.

The mat is Middleton is an absorbent sponge with seams or gaps. It does not anticipate the present invention because it is not flat. Further, the mat of the present invention is rubber so it is not absorbent. It is respectfully submitted that this rejection is overcome.

**Claims 1, 4, 9 and 17 have been rejected under 35 USC 102(b) as allegedly anticipated by Pascal. Applicant respectfully traverses this rejection.**

The mat is Pascal is made of padding having a plastic or cloth sheet enclosing the padding and quilted thereto. The plastic or cloth cover sheet is not laminated or coated to a rubber mat. It is also not circular. Therefore, it is believed that this rejection is overcome.

**Claims 1, 2, 5, 8, 17 and 19 have been rejected under 35 USC 102(b) as allegedly anticipated by Peters. Applicant respectfully traverses this rejection.**

The mat is Pascal has a rigid out edge. The mat of the claimed invention has a soft outer edge. Therefore, it is believed that this rejection is overcome.

**Claims 1 and 2 have been rejected under 35 USC 102(b) as allegedly anticipated over Geddings. Applicant respectfully traverses this rejection.**

Geddings is directed to a sanitary, padded, seamed cushion with moisture proof casing. It is not round, has no fabric laminate and is not flat as claimed in the present invention. Therefore, it is believed that this rejection is overcome.

**Claims 1, 2, 14 and 15 have been rejected under 35 USC 102(b) as allegedly anticipated over Scott. Applicant respectfully traverses this rejection.**

Scott is directed to a rectangular foldable exercise pad with a cover. Figure 2 in Scott shows seams connecting multiple rectangular sections. Scott does not disclose a circular rubber mat with a fabric laminate that is flat. Therefore, it is believed that this rejection is overcome.

**Claims 1, 2, 12 and 13 have been rejected under 35 USC 102(b) as allegedly anticipated by Hort. Applicant respectfully traverses this rejection.**

Hort is directed to a bed roll. It is rectangular in shape and is made of a number of layers of bedding material including pad, mattress, pillow and cover. It does not disclose a circular rubber mat that is flat with a fabric laminate. Therefore, it is believed that this rejection is overcome.

**Claim 6 has been rejected under 35 USC 103(a) as allegedly unpatentable over Middleton. Applicant respectfully traverses this rejection.**

As stated above, the mat is Middleton is an absorbent sponge with seams or gaps. It is designed for medical use. It would not have rendered the present invention as claimed in claim 6 obvious because it is not made of rubber and is not flat and there is no teaching of a need or purpose for a non-absorbent rubber mat for children as is the case in the present invention. Therefore, it is believed that this rejection is overcome.

**Claims 10 and 11 have been rejected under 35 USC 103(a) as allegedly unpatentable over Pascal in view of Chang. Applicant respectfully traverses this rejection.**

The mat is Pascal is made of padding with a cover sheet quilted to it. It is not round and the fabric is not laminated thereto. Because it is quilted, it does not have a flat surface. Chang is directed to a mat that has the ornamental design of a cartoon character thereon to make it attractive to children. The present invention, on the other hand, is directed to a flat, circular, rubber mat with a laminated fabric surface. A laminated fabric surface over a rubber mat produces a different feeling to touch than the quilted surface of Pascal. Neither of Pascal or Chang discloses any motivation for a round rubber mat with a fabric laminated surface. Therefore, it is believed that this rejection is overcome.

**Claims 16 and 20 have been rejected under 35 USC 103(a) as allegedly unpatentable over Peters. Applicants respectfully traverse this rejection.**

The presently claimed invention has been amended to include a soft outer surface. It does not have the rigid rim that is disclosed in Peters. Since the mat of the invention is for the use of children, it would not be desirable to have a hard outer edge because of safety and comfort concerns. Therefore, Peters does not render the present invention obvious and it is believed that this rejection is overcome.

**Claim 18 has been rejected under 35 USC 103(a) as allegedly obvious over Geddings. Applicant respectfully traverses this rejection.**

Claim 18 has been cancelled. This rejection is now overcome.

CONCLUSION

It is believed that none of the prior art presented discloses the features of the claimed invention as amended. Reconsideration and allowance are respectfully requested.

Date:

*July 21, 2004*

Respectfully submitted,

By

*Caroline Nash*

Caroline Nash, Reg. No. 36, 329  
Nash & Titus, LLC  
21402 Unison Road  
Middleburg, VA 20117  
(540) 554-4551  
Customer No. 30951